

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.1224 of 1986

**

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : No

JATASHANKER N DAVE

Versus

STATE OF GUJARAT

Appearance:

MR SI NANAVATI for Petitioners
Ms.S.D. Talati, Assistant Government Pleader
for respondent nos.1, 2.

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 23/12/97

ORAL JUDGEMENT :

The petitioner, who retired on superannuation in 1973 has, in this petition filed in 1986, prayed that the respondents be directed to give promotion to the petitioner on the post of Aval Karkun from 1967 and grant him all the consequential benefits.

2. Apart from the fact that the petition is grossly

delayed, the promotion is by selection under Rule 6 of the Saurashtra Civil Servants (Qualification and Recruitment) Rules, 1956, applicable to him at the relevant time. It is also to be noticed that the petitioner had failed to pass the Subordinate Service Departmental Examination. Therefore, he could not have been promoted for not having passed the said departmental examination.

3. In view of the above there is no merit in this petition and is dismissed. Rule is discharged. No order as to costs.

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